

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. 13-20290-JTF-dkv

MICHAEL A. LILLEY,

Defendant.

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REPORT AND RECOMMENDATION ON DEFENDANT'S MOTION  
TO AMEND AND ADOPT DOCKET ENTRY 37

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Before the court is the motion of the defendant, Michael Lilley, filed on October 7, 2014, to amend and adopt Docket Entry 37, which is Lilley's "Notice of Intent to Use Evidence Pursuant to Federal Rule of Evidence 412(c)," filed by Lilley's previous defense counsel. (Mot. to Amend and Adopt Docket Entry 37, ECF No. 79.) Lilley seeks to amend the last sentence of the first page of the Notice, so that it will read: "Absent the admission of this evidence, the Defendant will be denied the right to counsel, the right to a fair trial and the right of confrontation, *and the right to present a complete defense.*" (See ECF Nos. 39, 79.) The motion was referred to the United States Magistrate Judge for a report and recommendation. (Order of Reference, ECF No. 87.)

Pursuant to the reference, a hearing was held on November, 5, 2014. At the hearing, the government announced that it did not oppose Lilley's motion to amend and adopt the Notice. Accordingly, it is recommended that the motion be granted, and the Notice be amended. This court makes no recommendation as to whether evidence of the minor victims' voluntary participation in the sex trade will be admissible. This determination will be made in the context of a motion *in limine*.

Respectfully submitted this 6th day of November, 2014.

s/Diane K. Vescovo  
DIANE K. VESCOVO  
UNITED STATES MAGISTRATE JUDGE

#### NOTICE

Within fourteen (14) days after being served with a copy of this report and recommended disposition, a party may serve and file written objections to the proposed findings and recommendations. A party may respond to another party's objections within fourteen (14) days after being served with a copy. Fed. R. Civ. P. 72(b)(2). Failure to file objections within fourteen (14) days may constitute a waiver of objections, exceptions, and further appeal.